

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GLEN LEON GUY,
Plaintiff,

v.

JOSEPH BICK, *et al.*,
Defendants.

Case No. 2:21-cv-00823-WBS-JDP (PC)

FINDINGS AND RECOMMENDATIONS

On January 26, 2023, defendant Harf filed two discovery motions. ECF Nos. 47 & 48. Instead of filing a response, plaintiff moved for a 120-day extension of time, ECF No. 49, which defendants opposed, ECF No. 50. I granted plaintiff's motion in part by extending the deadline for completing discovery and filing dispositive motions to May 26 and July 28, respectively. ECF No. 51. In that order, I reminded plaintiff that defendant Harf had filed two discovery motions, which required plaintiff to file an opposition or statement of non-opposition within twenty-one days of service. *Id.* at 1. I warned him that failure to file an opposition or statement of non-opposition could result in waiver and may also be grounds for sanctions. *Id.*

After plaintiff did not file a response to defendant Harf's motions, on May 12, 2023, I ordered plaintiff to show cause within twenty-one days why this case should not be dismissed for failure to prosecute and failure to comply with the court's local rules. ECF No. 53. I warned him that failure to comply with that order could result in dismissal of this action. *Id.* at 2.

1 To date, plaintiff has not responded to defendant Harf's motion or the May 12 order to
2 show cause.

3 Accordingly, it is hereby RECOMMENDED that:

4 1. This action be dismissed for failure to prosecute and failure to comply with court
5 orders.

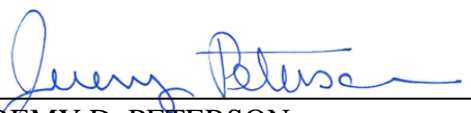
6 2. All pending motions, ECF Nos. 47, 48, & 54, be denied as moot.

7 2. The Clerk of Court be directed to close the case.

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
10 after being served with these findings and recommendations, any party may file written
11 objections with the court and serve a copy on all parties. Such a document should be captioned
12 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
13 objections shall be served and filed within fourteen days after service of the objections. The
14 parties are advised that failure to file objections within the specified time may waive the right to
15 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
16 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

17
18 IT IS SO ORDERED.

19 Dated: June 26, 2023

20 
21 JEREMY D. PETERSON
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28